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AO 442 (Rev. 01/09) Arrest Warrant

AUSA REGINA R. MCCULLOUGH  
Special Agent BRANDON SODEN, FBI

## UNITED STATES DISTRICT COURT

for the  
Eastern District of Michigan

United States of America

v.

DR. RUSSELL CRISPELL, M.D.

Case:2:11-cr-20618

F I L E D

OCT 06 2011

CLERK'S OFFICE  
DETROIT

## ARREST WARRANT

To: Any authorized law enforcement officer

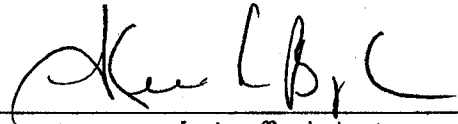
**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) DR. RUSSELL CRISPELL, M.D.

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment   
 ☐ Superseding Indictment   
 ☐ Information   
 ☐ Superseding Information   
 ☐ Complaint  
☐ Probation Violation Petition   
☐ Supervised Release Violation Petition   
☐ Violation Notice   
☐ Order of the Court

This offense is briefly described as follows:

Conspiracy to commit health care fraud, healthcare fraud, conspiracy to distribute a controlled substance, and distribution of a controlled substance, all in violation of 18 U.S.C. §§ 1349 and 1347; 21 U.S.C. §§ 846, 841(a)(1), and 841(a1).

Date: September 29, 2011City and state: Detroit, Michigan


KENDRA BYRD  
DEPUTY CLERK

Printed name and title

## Return

This warrant was received on (date) 10/5/11, and the person was arrested on (date) 10/6/11  
at (city and state) Troy, MI.

Date: 10/6/11


Arresting officer's signature

Brian Fairweather, Special Agent, FBI

Printed name and title

AO 442 (Rev. 01/09) Arrest Warrant (Page 2)

**This second page contains personal identifiers provided for law-enforcement use only  
and therefore should not be filed in court with the executed warrant unless under seal.**

*(Not for Public Disclosure)*

Name of defendant/offender: \_\_\_\_\_

Known aliases: \_\_\_\_\_

Last known residence: \_\_\_\_\_

Prior addresses to which defendant/offender may still have ties: \_\_\_\_\_

Last known employment: \_\_\_\_\_

Last known telephone numbers: \_\_\_\_\_

Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Social Security number: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Scars, tattoos, other distinguishing marks: \_\_\_\_\_

History of violence, weapons, drug use: \_\_\_\_\_

Known family, friends, and other associates (*name, relation, address, phone number*): \_\_\_\_\_

FBI number: \_\_\_\_\_

Complete description of auto: \_\_\_\_\_

Investigative agency and address: \_\_\_\_\_

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): \_\_\_\_\_

Date of last contact with pretrial services or probation officer (*if applicable*): \_\_\_\_\_

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case:2:11-cr-20618

Judge: Battani, Marianne O.

MJ: Michelson, Laurie J.

Filed: 09-29-2011 At 03:39 PM

SEALED: SEALED MATTER (KB)

D-1 ORLANDO MENA,  
D-2 XIOMARA RODRIGUEZ  
D-3 DR. RUSSELL CRISPELL, M.D.  
D-4 REINALDO ("RAY") ORELLANA,  
D-5 LISETTE ORELLANA,  
D-6 AKIM MENA,  
D-7 DR. VIRINDER GREWAL, M.D.,  
D-8 CARLA DEGRAFFENREID

VIO.: 18 U.S.C. § 1349  
18 U.S.C. § 1347  
21 U.S.C. § 846  
21 U.S.C. § 841(a)(1)  
18 U.S.C. § 2

Defendants.

INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

Beginning on or about August, 2008, and continuing up to and including the present date, these dates being approximate, the named defendants and others engaged in a scheme and pattern of illegal conduct involving prescription drug controlled substances and fraudulent health care billings.

At all times relevant to this Indictment:

1. The Medicare program was a federal health care program providing benefits to persons who were over the age of 65 or disabled. Medicare was administered by the Centers for Medicare and Medicaid Services (CMS), a federal agency under the United States Department of

Health and Human Services. Individuals who received benefits under Medicare were referred to as Medicare “beneficiaries.”

2. Medicare was a “health care benefit program,” as defined by Title 18, United States Code, Section 24(b).

3. The Medicare Program included coverage under two primary components, hospital insurance (Part A) and medical insurance (Part B). Part B of the Medicare Program covered the costs of physicians’ services and other ancillary services (including testing) not covered by Part A. The claims at issue in this indictment were submitted under Part B of the Medicare Program.

4. Wisconsin Physicians Service was the CMS contracted carrier for Medicare Part B in the State of Michigan. TrustSolutions, LLC was the Program Safeguard Contractor for Medicare Part B in the state of Michigan.

5. By becoming a participating provider in Medicare, enrolled providers agreed to abide by the policies and procedures, rules, and regulations governing reimbursement. In order to receive Medicare funds, enrolled providers, together with their authorized agents, employees, and contractors, were required to abide by all the provisions of the Social Security Act, the regulations promulgated under the Act, and applicable policies and procedures, rules, and regulations, issued by CMS and its authorized agents and contractors.

6. Upon certification, the medical provider, whether a clinic or an individual, was assigned a provider identification number for billing purposes (referred to as a PIN). When the medical provider rendered a service, the provider would submit a claim for reimbursement to the Medicare contractor/carrier that includes the PIN assigned to that medical provider. When an



individual medical provider was associated with a clinic, Medicare Part B required that the individual provider number associated with the clinic be placed on the claim submitted to the Medicare contractor.

7. Health care providers were given and provided with online access to Medicare manuals and services bulletins describing proper billing procedures and billing rules and regulations. Providers could only submit claims to Medicare for services they rendered and providers are required to maintain patient records to verify that the services were provided as described on the claim.

8. In order to receive reimbursement for a covered service from Medicare, a provider must submit a claim, either electronically or using a form (e.g., a CMS-1500 form or UB-92), containing the required information appropriately identifying the provider, beneficiary, and services rendered, among other things.

9. WORLD HEALTH CARE MEDICAL CENTER, LLC (WHC) was a Michigan limited liability company that originally purported to do business at 25615 Plymouth Road, Redford, Michigan. The articles of organization for WHC were filed on July 11, 2008.

10. WYOMING MEDICAL CENTER, LLC (WMC) is a Michigan limited liability company that originally purported to do business at 601 Abbot Road, East Lansing, Michigan. The articles of organization for WMC were filed on March 25, 2009.

11. Defendant ORLANDO MENA, a resident of Dade County, Florida, controlled and directed the operations at the WHC and WHC.

12. Defendant XIOMARA RODRIGUEZ, a resident of Dade County, Florida, incorporated WHC and caused the submission of fraudulent claims at WHC.

13. Defendant RUSSELL CRISPELL, a resident of Oakland County, Michigan, was a physician licensed in the state of Michigan who ordered medically unnecessary tests for Medicare beneficiaries at WHC.

14. Defendant REINALDO ORELLANA, a resident of Wayne County, Michigan, assisted in the management of WHC and incorporated WMC.

15. Defendant AKIM MENA, a resident of Dade County, Florida, assisted in the management and payment of beneficiary recruiters for WHC and incorporated WMC.

16. Defendant LISETTE ORELLANA, a resident of Dade County, Florida, was an employee of WHC who caused submission of fraudulent claims to Medicare.

17. Defendant VIRINDER GREWAL, a resident of Ingham County, Michigan, is a physician licensed in the state of Michigan who ordered medically unnecessary tests for Medicare beneficiaries at WMC..

18. Defendant CARLA DEGRAFFENREID, a resident of Wayne County, Michigan, is a patient recruiter for WMC.

**COUNT ONE**

**((18 U.S.C. § 1349 – Conspiracy to Commit Healthcare Fraud))**

**D-1 ORLANDO MENA,  
D-2 XIOMARA RODRIGUEZ,  
D-3 DR. RUSSELL CRISPELL,  
D-4 REINALDO ‘RAY’ ORELLANA,  
D-5 LISETTE ORELLANA,  
D-6 AKIM MENA  
D-7 DR. VIRINDER GREWAL  
D-8 CARLA DEGRAFFENREID**

Paragraphs 1 through 18 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein

19. From in or around June 2008, and continuing through the present, the exact dates being unknown to the Grand Jury, in Wayne County, in the Eastern District of Michigan, and elsewhere, the defendants, ORLANDO MENA, XIOMARA RODRIGUEZ, RUSSELL CRISPELL, REINALDO “RAY” ORELLANA, LISETTE ORELLANA, AKIM MENA, VIRINDER GREWAL, and CARLA DEGRAFFENREID did willfully and knowingly combine, conspire, confederate and agree with each other and others, known and unknown to the Grand Jury, to violate Title 18, United States Code, Section 1347, that is, to execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care benefit program, in connection with the delivery of and payment for health care benefits, items, and service.

**Purpose of the Conspiracy**

20. It was a purpose of the conspiracy for defendants ORLANDO MENA, XIOMARA RODRIGUEZ, RUSSELL CRISPELL, REINALDO "RAY" ORELLANA, LISETTE ORELLANA, AKIM MENA, VIRINDER GREWAL, CARLA DEGRAFFENREID and others to unlawfully enrich themselves by, among other things, (a) submitting false and fraudulent claims to Medicare; (b) offering and paying kickbacks and bribes to Medicare beneficiaries for the purpose of such beneficiaries arranging for the use of their Medicare beneficiary numbers by the conspirators as the bases of false and fraudulent claims filed for office visits and medical testing; (c) concealing the submission of false and fraudulent claims to Medicare, the receipt and transfer of the proceeds from the fraud, and the payment of kickbacks; and (d) diverting proceeds of the fraud for the personal use and benefit of the defendants and their co-conspirators.

**Manner and Means**

21. The manner and means by which the defendants and their co-conspirators sought to accomplish the purpose of the conspiracy included, among others, the following:

22. Defendant XIOMARA RODRIGUEZ incorporated WHC on July 11, 2008. In February 2009, Trust Solutions initiated a 100% prepayment edit for all Medicare claims submitted by WHC. As a result Defendants REINALDO "RAY" ORELLANA and AKIM MENA incorporated WMC on March 25, 2009, and acquired a valid Medicare provider number to submit Medicare claims for office visits and tests. Medicare beneficiaries were required to visit WMO, and see Defendant VIRINDER GREWAL, then the Medicare beneficiaries would return to WHC to receive a prescription for OxyContin.

23. Defendant REINALDO "RAY" ORELLANA controlled the day-to-day operations of WHC and WMC. He also was the chief technician at WHC and performed the majority of the nerve conduction tests.

24. Defendant RUSSELL CRISPELL and others would order medically unnecessary tests for the Medicare beneficiaries at WHC.

25. Defendant VIRINDER GREWAL and others would order medically unnecessary tests for the Medicare beneficiaries at WMC.

26. Defendants REINALDO "RAY" ORELLANA and AKIM MENA would provide cash and other incentives to beneficiary recruiters for the purpose of paying kickbacks to Medicare beneficiaries in exchange for these beneficiaries agreeing to undergo unnecessary tests at WHC and WMO.

27. Defendants ORLANDO MENA, XIOMARA RODRIGUEZ, RUSSELL CRISPELL, REINALDO "RAY" ORELLANA, LISETTE ORELLANA, AKIM MENA, and VIRINDER GREWAL, would cause WHC and WMC to submit claims to Medicare for office visits and tests that were medically unnecessary. Of the approximately \$1,095,565 million in claims submitted by WHC to Medicare, approximately \$357,220 of the submitted amount related to nerve conduction studies. Of the approximately \$1,186,260 million in claims submitted by WMC to Medicare, approximately \$412,621 of the submitted amount related to nerve conduction studies.

28. The defendants would transfer and disburse, and cause the transfer and disbursement of, monies from the various corporate accounts of WHC and WMC to themselves and others.

All in violation of Title 18, United States Code, Section 1349.

**COUNTS 2 - 11**

**(18 U.S.C. §§ 1347 and 2 - Health Care Fraud)**

**D-1 ORLANDO MENA,  
D-2 XIOMARA RODRIGUEZ,  
D-3 DR. RUSSELL CRISPELL,  
D-4 REINALDO 'RAY' ORELLANA,  
D-5 LISETTE ORELLANA,  
D-6 AKIM MENA  
D-7 DR. VIRINDER GREWAL  
D-8 CARLA DEGRAFFENREID**

Paragraphs 1 through 18 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

29. On or about the dates enumerated below, at Wayne County, in the Eastern District of Michigan, the defendants, ORLANDO MENA, XIOMARA RODRIGUEZ, RUSSELL CRISPELL, REINALDO "RAY" ORELLANA, LISETTE ORELLANA, AKIM MENA, and VIRINDER GREWAL, in connection with the delivery of a payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of Medicare, in connection with the delivery and payment for health care benefits, items, and services.

**Purpose of the Scheme and Artifice**

30. It was the purpose of the scheme and artifice for the defendants and their co-conspirators to unlawfully enrich themselves through the submission of false and fraudulent

Medicare claims for medically unnecessary and non-rendered nerve conduction and other services.

**The Scheme and Artifice**

Paragraphs 19 through 28 of Count One of this Indictment are re-alleged and incorporated by reference as though fully set forth herein as a description of the scheme and artifice.

**Acts in Execution of the Scheme and Artifice**

31. On or about the dates specified as to each count below, in Wayne County, in the Eastern District of Michigan, and elsewhere, the defendants, ORLANDO MENA, XIOMARA RODRIGUEZ, RUSSELL CRISPELL, REINALDO "RAY" ORELLANA, LISETTE ORELLANA, AKIM MENA, VIRINDER GREWAL, in connection with the delivery of a payment for health care benefits, items, and services, did knowingly and willfully execute, and attempt to execute, the above-described scheme and artifice to defraud a health care benefit program affecting commerce, that is, Medicare, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of said health care benefit program.

<b>Defendants</b>	<b>Count</b>	<b>Medicare Beneficiary &amp; Clinic</b>	<b>Date Claim Submitted</b>	<b>Approximate Amount of Claim</b>
<b>D-1 ORLANDO MENA, D-2 XIOMARA RODRIGUEZ, D-3 RUSSELL CRISPELL D-4 REINALDO ORELLANA D-5 LISETTE ORELLANA D-6 AKIM MENA</b>	2	R.A.. WHC	8/15/08	\$420.00

<b>Defendants</b>	<b>Count</b>	<b>Medicare Beneficiary &amp; Clinic</b>	<b>Date Claim Submitted</b>	<b>Approximate Amount of Claim</b>
<b>D-1 ORLANDO MENA, D-2 XIOMARA RODRIGUEZ, D-3 RUSSELL CRISPELL D-4 REINALDO ORELLANA D-5 LISETTE ORELLANA D-6 AKIM MENA</b>	<b>3</b>	<b>M.B. WHC</b>	<b>9/25/08</b>	<b>\$203.00</b>
<b>D-1 ORLANDO MENA, D-2 XIOMARA RODRIGUEZ, D-3 RUSSELL CRISPELL D-4 REINALDO ORELLANA D-5 LISETTE ORELLANA D-6 AKIM MENA</b>	<b>4</b>	<b>D.B WHC</b>	<b>1/12/09</b>	<b>\$210.00</b>
<b>D-1 ORLANDO MENA, D-2 XIOMARA RODRIGUEZ, D-3 RUSSELL CRISPELL D-4 REINALDO ORELLANA D-5 LISETTE ORELLANA D-6 AKIM MENA</b>	<b>5</b>	<b>C.C WHC</b>	<b>1/12/2009</b>	<b>\$420.00</b>
<b>D-1 ORLANDO MENA, D-2 XIOMARA RODRIGUEZ, D-3 RUSSELL CRISPELL D-4 REINALDO ORELLANA D-5 LISETTE ORELLANA D-6 AKIM MENA</b>	<b>6</b>	<b>DB WHC</b>	<b>3/4/2009</b>	<b>\$120.00</b>
<b>D-4 REINALDO ORELLANA D-7 VIRINDER GREWAL</b>	<b>7</b>	<b>D.H WMC</b>	<b>9/30/2009</b>	<b>\$200.00</b>



<b>Defendants</b>	<b>Count</b>	<b>Medicare Beneficiary &amp; Clinic</b>	<b>Date Claim Submitted</b>	<b>Approximate Amount of Claim</b>
<b>D-4 REINALDO ORELLANA D-7 VIRINDER GREWAL</b>	8	K.W. WMC	12/18/2009	\$225.00
<b>D-4 REINALDO ORELLANA D-7 VIRINDER GREWAL</b>	9	R.M WMC	2/11/2010	\$295.26
<b>D-4 REINALDO ORELLANA D-7 VIRINDER GREWAL</b>	10	C.W. WMC	5/3/2010	\$150.00
<b>D-4 REINALDO ORELLANA D-7 VIRINDER GREWAL</b>	11	N.S WMC	1/25/11	\$64.57

All in violation of Title 18, United States Code, Sections 1347 and 2.

**COUNT 12**

**(Conspiracy to Distribute Controlled Substances, 21 U.S.C. § 846)**

**D-1 ORLANDO MENA,  
D-2 XIOMARA RODRIGUEZ,  
D-3 DR. RUSSELL CRISPELL,  
D-4 REINALDO 'RAY' ORELLANA,  
D-5 LISETTE ORELLANA,  
D-6 AKIM MENA**

Paragraphs 1 through 18 of the General Allegations section of this Indictment are re-alleged and incorporated by reference as though fully set forth herein

32. On or about August 2008, and continuing up to and including June, 2010, at

Wayne County, in the Eastern District of Michigan, and elsewhere, defendants ORLANDO MENA, XIOMARA RODRIGUEZ, RUSSELL CRISPELL, REINALDO "RAY" ORELLANA, LISETTE ORELLANA and AKIM MENA, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other, as well as other persons not named in this Indictment, to commit offenses against the United States, that is, to knowingly, intentionally and unlawfully distribute a controlled substance in violation of 21 U.S.C. § 841(a)(1), to wit: the Schedule II drug OxyContin (oxycodone). This prescription drug controlled substance was distributed outside the course of usual medical practice and for no legitimate medical purpose, all in violation of Title 21, United States Code, Sections 846, 841(a)(1).

**Purpose of the Conspiracy**

33. It was a purpose of the conspiracy for defendants ORLANDO MENA, XIOMARA RODRIGUEZ, RUSSELL CRISPELL, REINALDO "RAY" ORELLANA, LISETTE ORELLANA and AKIM MENA, and others to unlawfully enrich themselves by, among other things, (a) distributing a controlled substance without a legitimate medical purpose in order to facilitate the submission of false and fraudulent claims to Medicare and private insurers for prescription medication, physician office visits, nerve conduction test, and other services; (b) offering and paying kickbacks and bribes in the form of controlled substances to Medicare and private insurance beneficiaries and patient recruiters for the purpose of such beneficiaries and recruiters arranging for the use of beneficiary numbers by the conspirators as the bases of claims filed for prescription medication and other services; (c) soliciting and receiving kickbacks in the form of controlled substances in return for arranging for the furnishing of services for which payment may be made by Medicare and private insurers by providing their

beneficiary numbers, which formed the basis of claims filed for prescription medication, physician office visits, nerve conduction tests, and other services; (d) concealing the submission of false and fraudulent claims to Medicare and private insurers, the receipt and transfer of the proceeds from the fraud, the distribution of a controlled substance without medical justification, and the payment of kickbacks; and (e) diverting proceeds of the fraud and the distribution of a controlled substance for the personal use and benefit of the defendants and their co-conspirators.

### **Manner and Means**

The manner and means by which the defendants and their co-conspirators sought to accomplish the purpose of the conspiracy included, among others, the following:

34. ORLANDO MENA, recruited Medicare beneficiaries to see DR. RUSSELL CRISPELL, who was employed by WHC. Most of the patients were scheduled for doctor visits by employee LISETTE ORELLANA. The Medicare beneficiaries would be transported to WHC by employee “drivers,” who were under the direction and control of AKIM MENA. The Medicare beneficiaries would be required to undergo medically unnecessary test in order to receive a prescription for Oxycontin 80 mg. In addition, Medicare beneficiaries were paid in cash for their time and the use of their Medicare card for billing purposes, and Medicare beneficiaries were given up to \$800, in cash, for their prescriptions.

35. AKIM MENA would arrange to have drivers transport the Medicare beneficiaries to various pharmacies, to fill their prescriptions. Once the prescription was filled, the driver would pay the Medicare beneficiaries from \$150 to \$800, in cash, for their Oxycontin prescription, for further distribution.

36. In February 2009, Trust Solutions initiated a 100% prepayment edit for all

Medicare claims submitted by WHC. As a result, Medicare beneficiaries were required to pay \$500 for an office visit to receive a prescription for OxyContin.

37. Recruiters and drivers for WHC, would provide the medicare beneficiaries with the \$500 for the office visit payment.

38. XIOMARA RODRIGUEZ assisted in the creation of WHC, and was the primary receptionist for WHC. She collected all cash payments and provided return Medicare beneficiaries with their prescription without requiring them to see RUSSELL CRISPELL.

39. REINALDO "RAY" ORELLANA assisted in the creation of WMC, and was the office manager for WHC and WMC. He performed unnecessary medical tests at WHC and WMC and caused fraudulent billings resulting from the unnecessary medical tests.

40. Between August 2008, and June, 2010, WHC caused the writing of prescriptions for not less than 322,000 doses of the Schedule II controlled substance Oxycontin (oxycodone).

All in violation of 21 U.S.C. §§ 846 and 841(a)(1).

**COUNTS 13 - 25**

**(Distribution of Controlled Substances, Aiding and Abetting,  
21 U.S.C. § 841(a)(1), 18 U.S.C. § 2)**

Paragraphs 1 through 18 of the General Allegations section of this Indictment, and paragraphs 33 - 40 of Count 12 of this Indictment, are realleged and incorporated by reference as though fully set forth herein.

21. On or about the dates specified below, as to the defendants specified in each count below, the defendant did knowingly, intentionally, and unlawfully distribute a controlled substance, specifically Oxycontin (oxycodone), and did aid and abet in that offense, as described

below, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18 United States Code, Sect 2.

Defendants		Count	Purported Recipient	Date of Distribution	Description of Controlled Substance
D-1	ORLANDO MENA,	13	C.W.	8/21/2008	OxyContin 80 mg 60 unit dose
D-2	XIOMARRA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	14	V.W.	12/2/2008	OxyContin 80 mg 60 unit dose
D-2	XIOMARRA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	15	R.A.	1/12/2009	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				

Defendants		Count	Purported Recipient	Date of Distribution	Description of Controlled Substance
D-1	ORLANDO MENA,	16	C.C.	1/14/2009	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	17	V.W..	2/26/2009	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	18	K.W.	4/23/2009	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	19	N.S.	8/28/2009	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	20	D.B.	11/2/2009	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				

Defendants		Count	Purported Recipient	Date of Distribution	Description of Controlled Substance
D-1	ORLANDO MENA,	21	R.M.	2/11/2010	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	22	R.W.	3/23/2010	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	23	J.P.	3/19/2010	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	24	M.B.	4/12/2010	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				
D-1	ORLANDO MENA,	25	D.H.	6/1/2010	OxyContin 80 mg 60 unit dose
D-2	XIOMARA RODRIGUEZ,				
D-3	DR. RUSSELL CRISPELL,				
D-4	REINALDO 'RAY' ORELLANA,				
D-5	LISETTE ORELLANA,				
D-6	AKIM MENA				

**CRIMINAL FORFEITURE**

**(21 U.S.C. § 853, 18 U.S.C. §§ 981(a)(1)(C), 982, 28 U.S.C. § 2461**

**D-1 ORLANDO MENA,  
D-2 XIOMARA RODRIGUEZ,  
D-3 DR. RUSSELL CRISPELL,  
D-4 REINALDO 'RAY' ORELLANA,  
D-5 LISETTE ORELLANA,  
D-6 AKIM MENA  
D-7 DR. VIRINDER GREWAL  
D-8 CARLA DEGRAFFENREID**

The allegations contained in Counts 1-25 of this Indictment are hereby incorporated by reference for the purpose of alleging forfeiture against the defendants pursuant to the provisions of Title 21, United States Code, Section 853; Title 18, United States Code, Sections 981(a)(1)(C) and 982; and Title 28, United States Code, Section 2461.

As a result of the foregoing violations of Title 21, United States Code, Sections 841(a)(1) and 846 and Title 18, United States Code, Sections 1347 and 1349, as charged in Counts 1-25 of this Indictment, defendants shall forfeit to the United States: (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violations; (b) any property involved in said violations, or any property traceable to such property; and (c) any property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violations.

Such property includes, but is not limited to, a money judgment, and all traceable interest and proceeds for which the defendants are jointly and severally liable. Such sum in aggregate is property representing the proceeds of the aforementioned offenses, or is traceable to such property, and/or is involved in violations of Title 21, United States Code, Sections 841 and



846 and Title 18, United States Code, Sections 1347 and 1349.

111. Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), defendants shall forfeit substitute property, up to the value of the properties described above or identified in any subsequent forfeiture bills of particular, if, by any act or omission of the defendant, the property cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

THIS IS A TRUE BILL

s/Grand Jury Foreperson  
Grand Jury Foreperson

BARBARA L. McQUADE  
United States Attorney

s/Wayne F. Pratt  
WAYNE F. PRATT  
Chief, Health Care Fraud Unit

s/Regina R. McCullough  
REGINA R. MCCULLOUGH  
Assistant United States Attorney  
211 West Fort Street, Suite 2001  
Detroit, MI 48226  
Phone: (313) 226-9618  
Email: [regina.mccullough@usdoj.gov](mailto:regina.mccullough@usdoj.gov)

September 29, 2011

United States District Court  
Eastern District of Michigan

**Criminal Case C**

Case: 2:11-cr-20618  
Judge: Battani, Marianne O.  
MJ: Michelson, Laurie J.  
Filed: 09-29-2011 At 03:39 PM  
SEALED: SEALED MATTER (KB)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to

**Reassignment/Recusal Information** This matter was opened in the USAO prior to August 15, 2008 [ ]

<b>Companion Case Information</b>	<b>Companion Case Number:</b>
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :	<b>Judge Assigned:</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>AUSA's Initials:</b>

**Case Title:** USA v. ORLANDO MENA, et al.

**County where offense occurred :** WAYNE

**Check One:** ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

  X   **Indictment---** no prior complaint.

       Indictment/       Information --- based upon prior complaint [Case number: ]

       Indictment/       Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

**Superseding Case Information**

**Superseding to Case No:** \_\_\_\_\_ **Judge:** \_\_\_\_\_

- ☐ Original case was terminated; no additional charges or defendants.  
☐ Corrects errors; no additional charges or defendants.  
☐ Involves, for plea purposes, different charges or adds counts.  
☐ Embraces same subject matter but adds the additional defendants or charges below:

**Defendant name**

**Charges**

**Prior Complaint (if applicable)**

**Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**

September 29, 2011  
Date

s/REGINA R. MCCULLOUGH  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3277  
Phone: (313) 226-9618  
Fax: (313) 226-2621  
E-Mail address: regina.mccullough@usdoj.gov  
Attorney Bar #: P64936

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY

In the Matter of

RUSSELL M. CRISPELL, D.O.  
License Number: 51-01-006162

File Number: 51-11-120730

ORDER GRANTING REINSTATEMENT

On June 9, 2011, Russell M. Crispell, D.O., hereafter Petitioner, filed with the Michigan Board of Osteopathic Medicine and Surgery, hereafter Board, an application for reinstatement of his license to practice osteopathic medicine and surgery in the state of Michigan with supporting affidavits, in accordance with the provisions of 1996 AACSR 338.1635.

On June 29, 2011, the Department of Attorney General, Licensing and Regulation Division, on behalf of the Bureau of Health Professions, hereafter Department, filed a letter taking no position on Petitioner's application for reinstatement.

The Board, having reviewed Petitioner's application and response letter, considered the within matter at a regularly scheduled meeting held in Lansing, Michigan, on August 4, 2011. Now therefore;

IT IS HEREBY ORDERED that Petitioner is granted a LIMITED LICENSE to practice osteopathic medicine and surgery for a minimum period of SIX MONTHS, commencing on the effective date of this Order. Reduction of the limitation period shall

only occur while Petitioner is practicing osteopathic medicine, and the terms of limitation shall be as follows:

1. SUPERVISED PRACTICE: During the period of limitation, Petitioner's practice of osteopathic medicine and surgery shall be under the **direct, on-site supervision** of a licensed physician, hereafter supervising physician, who shall be pre-approved by the Chairperson of the Board or the Chairperson's designee.

"Direct, on-site supervision" is defined as the participation in the work of Petitioner by a physician in which there is in-person communication between Petitioner and the supervisor. The supervising physician shall meet with Petitioner, at a minimum, once every two months to review Petitioner's records.

Petitioner shall submit to the Department written correspondence requesting approval of the proposed supervising physician(s). This request shall include, at a minimum, the individual's name, employment position, telephone number, and confirmation that the proposed supervising physician(s) has received a copy of this Order.

Petitioner **shall not** commence employment in a capacity for which an osteopathic medicine license is required until Petitioner has received written notification from the Department confirming that the proposed supervising physician has been approved.

2. RECORDS/MAPS REVIEW: During the period of limitation, Petitioner's supervising physician shall review records of patients treated by Petitioner. This review may occur once every two months, as set forth above.

During the period of limitation, the supervising physician shall also request a report reflecting Petitioner's controlled substance prescribing from the Michigan Automated Prescription System, hereafter MAPS, once every two months. The supervising physician shall check the MAPS report against information in Petitioner's patient records. The

supervising physician need not verify every prescription on the MAPS report, but may randomly choose prescriptions to verify the patient records.

All MAPS reports required herein shall be filed every two months, the first report to be filed at the end of the second month of limitation, and subsequent reports to be filed every two months thereafter until Petitioner is discharged from the period of limitation.

**Petitioner shall direct all communications required by the terms of this Order to: Department of Licensing and Regulatory Affairs, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.**

The timely filing of all information relating to this Order shall be Petitioner's responsibility, and failure to file said information within the time limitations herein provided shall be deemed a violation of an order of the Disciplinary Subcommittee.

IT IS FURTHER ORDERED that upon Petitioner's successful completion of six months of direct, on-site supervised practice, and submission of MAPS reports, Petitioner's license shall be automatically reclassified to a full and unlimited status.

IT IS FURTHER ORDERED that Petitioner is placed on PROBATION for a period of TWO YEARS, commencing on the effective date of this Order. Reduction of the probationary period shall only occur while Petitioner is employed as an osteopathic physician. The terms of probation shall be as follows:

1. SUPERVISOR REPORTS: During the period of limitation, Petitioner's supervising physician shall file reports with the Department, as further provided herein, advising of Petitioner's work performance.

In the event Petitioner, at any time, fails to comply with the minimal standards of acceptable and

prevailing practice or appears unable to practice with reasonable skill and safety, the Department shall be **immediately** so notified by Petitioner's direct, on-site supervising physician.

2. SUPERVISOR CHANGE: Petitioner shall report to the Department, in writing, any and all changes in Petitioner's employment as an osteopathic physician, or supervision within 15 days of such change.

Petitioner shall provide copies of this Order to each successor employer and supervising physician. The successor supervising physician shall be knowledgeable of Petitioner's history and shall continue to file reports with the Department advising of Petitioner's work performance, as set forth above.

If Petitioner's employment change requires Petitioner to have a license to practice osteopathic medicine, Petitioner shall, prior to the change in employment, submit to the Department written correspondence requesting approval of the proposed successor supervising physician.

Petitioner **shall not** commence employment in the new setting until Petitioner has received written notification from the Department confirming that the proposed successor supervisor has been approved.

3. REPORT OF NON-EMPLOYMENT: If at any time during the period of probation Petitioner is not employed as an osteopathic physician, Petitioner shall file a report of non-employment with the Department within 15 days after becoming unemployed. Petitioner shall continue to file a report of non-employment on a quarterly basis until Petitioner returns to employment as an osteopathic physician, at which time Petitioner shall notify the Department of this fact within 15 days of returning to practice.
4. RESIDENCY AND PRACTICE OUTSIDE OF MICHIGAN: Periods of residency and practice outside Michigan shall not reduce the probationary period of this Order. Petitioner shall report any change of residency or practice outside Michigan no more than 15 days after the change occurs. Compliance with

this provision does not satisfy the requirements of sections 16192(1) and 16221(g) of the Public Health Code, supra, regarding Petitioner's duty to report name or mailing address changes to the Department.

5. COMPLIANCE WITH THE PUBLIC HEALTH CODE: Petitioner shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
6. REPORTING PROCEDURE: Unless requiring immediate notification as indicated above, all reports required herein shall be filed every two months, the first report to be filed at the end of the second month of probation, and subsequent reports to be filed every two months thereafter until Petitioner is discharged from probation.

In addition to receiving reports as required herein, the Department or its authorized representative may periodically contact the reporting individuals or agencies to inquire of Petitioner's progress.

**Petitioner shall direct all communications required by the terms of this Order to: Department of Licensing and Regulatory Affairs, Bureau of Health Professions, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.**

The timely filing of all information relating to this Order shall be Petitioner's responsibility, and failure to file said information within the time limitations herein provided shall be deemed a violation of an order of the Board.

7. COSTS: Petitioner shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Petitioner shall be automatically discharged from probation at the end of the probationary period, PROVIDED Petitioner has complied with the terms of this Order and has not violated the Public Health Code.

IT IS FURTHER ORDERED that in the event Petitioner violates any provision of this Order, and if such violation is deemed to constitute an independent violation of the Public Health Code or rules promulgated thereunder, the Board's Disciplinary Subcommittee may proceed to take disciplinary action pursuant to 1996 AACCS, R 338.1632 and 16221(h) of the Public Health Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Board's Chairperson or authorized representative, as set forth below.

Dated: 9/23/2011

**MICHIGAN BOARD OF OSTEOPATHIC  
MEDICINE AND SURGERY**

By: Rae Ramsdell  
Rae Ramsdell, Acting Director  
Bureau of Health Professions

This is the last and final page of an Order Granting Reinstatement in the matter of Russell M. Crispell, D.O., File Number 51-11-120730, before the Michigan Board of Osteopathic Medicine and Surgery, consisting of six pages, this page included.

LFM



STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

RUSSEL M. CRISPELL, D.O.  
License No. 51-01-006162

Complaint No. 51-09-111988

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Osteopathic Medicine and Surgery on May 26, 2010, charging Russell M. Crispell, D.O. (Respondent) with having violated sections 16221(a), (b)(i), (b)(vi), and (c)(iv) and 7303a(2), 7311(1)(e) and (f), and 7401(1) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.* and 1996 AACCS, R 338.3163.

Based on the administrative complaint and after consultation with the Chairperson of the Board of Osteopathic Medicine and Surgery, the Department summarily suspended Respondent's license to practice osteopathic medicine and surgery by order dated June 1, 2010.

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding administrative complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained

in the administrative complaint are true and that Respondent has violated sections 16221(a), 7311(1)(e) and (f) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

Accordingly, for these violations, IT IS ORDERED:

The order of summary suspension previously issued is DISSOLVED.

Respondent's license is SUSPENDED for a period of six months and one day.

Respondent shall receive credit for the time during which the order of summary suspension was in effect.

If Respondent petitions for reinstatement of his license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and 1996 AACCS, R 338.1635. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character; (2) the ability to practice the profession with reasonable skill and safety; (3) satisfaction of the guidelines on reinstatement adopted by the Department; and (4) that it is in the public interest for the license to be reinstated.

Respondent may not file a petition for reinstatement sooner than ninety days prior to the end of the suspension period.

Counts II, III, IV, V, VIII, and IX of the administrative complaint are DISMISSED.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of 1996 AACRS, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 10-7, 2010

MICHIGAN BOARD OF OSTEOPATHIC  
MEDICINE AND SURGERY

By Kathleen Carney  
Chairperson, Disciplinary Subcommittee

#### STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the administrative complaint, with the exception of Counts II, III, IV, V, VIII and IX, which Respondent denies. Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true, with the exception of Counts II, III, IV, V, VIII and IX.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to require the Department to prove the charges set forth in the administrative complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above consent order, supported by Board conferee William Cunningham, D.O. Dr. Cunningham or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Cunningham and the parties considered the following factors in reaching this agreement:

- Respondent has been licensed in Michigan since 1970 and was a well respected, board certified anesthesiologist until his retirement in 1995. Respondent trained anesthesia residents during his career and after his retirement continued to lecture to residents at Bi-County Hospital in Warren, Michigan.
- Respondent has kept current with his continuing medical education and over the last couple of years he has completed 142 hours of continuing medical education in such topics as IV Sedation, Prolotherapy, Depository Steroids, Diagnoses and Treatment of Stroke and Coronary Disease, Differential Diagnosis for Brachial Neuralgia, and Anterior Chest Wall Syndrome.
- Respondent did not practice osteopathic medicine and surgery from 1995 through 2005.
- In 2005 Respondent began doing insurance medical examinations. When this work was no longer available, Respondent began looking for other employment.
- In 2008 Respondent answered an advertisement to work as a family practitioner at the World Health Clinic in Redford, Michigan.

- Respondent admitted at his compliance conference that he did not have training or an added qualification in pain management from the American Board of Anesthesiology, nor was he trained or certified in the specialty of family practice.
- Respondent further admitted at his compliance conference that the World Health Clinic did not have nurses or licensed health professionals other than himself, and did not have an after hours on call system.
- Respondent admitted that he worked six hours per day at the World Health Clinic and that  $\frac{1}{2}$  to  $\frac{3}{4}$  of patients he saw on a daily basis received prescriptions for pain medications. Respondent admitted to seeing 12-15 patients per day.
- Respondent's understanding of office policy was that before any medications were ordered for pain patients, each was required to undergo objective testing (MRI and/or CT scans); each patient's MAPS reports were pulled (at every visit) to insure against "doctor shopping;" and each patient was required to undergo drug testing at every visit to insure he or she was in fact using the medications for pain that had been prescribed, thus not diverting it, and that he or she was not using illegal substances.
- Respondent admitted he was unaware the World Health Clinic was charging patients \$500 for an office visit.
- Respondent admitted pre-signing some prescriptions on a day when he was not feeling well due to his back condition, though none was issued without his examination of those patients.
- Respondent was fully cooperative and truthful at his compliance conference and now understands that the area of pain management is a sub-specialty and that it is not common to prescribe the number of narcotics he was prescribing as a family practitioner.

5. By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

Kelly K. Elizondo  
 Kelly K. Elizondo (P45534)  
 Assistant Attorney General  
 Attorney for Complainant  
 Dated: Sept 7, 2010

AGREED TO BY:

Russell M. Crispell  
 Russell M. Crispell, D.O.  
 Respondent

Dated: Sept. 01, 2010

James W. Burdick  
 James W. Burdick (P11397)  
 Attorney for Respondent

Dated: Sept. 01, 2010

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

RUSSELL M. CRISPELL, D.O.  
License No. 51-01-006162

Complaint No. 51-09-111988

ORDER OF SUMMARY SUSPENSION

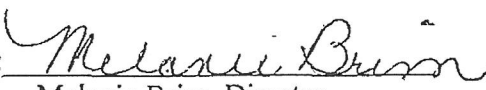
An administrative complaint has been issued against Respondent under the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq.*, promulgated rules, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

After consideration of the investigation completed in this case and consultation with the Chairperson of the Board of Osteopathic Medicine and Surgery, the Department concludes that the public health, safety or welfare requires emergency action, as allowed by section 16233(5) of the Public Health Code and section 92(2) of the Administrative Procedures Act.

THEREFORE, IT IS ORDERED that Respondent's license to practice osteopathic medicine and surgery in the State of Michigan shall be summarily suspended commencing on the date this order is served.

Under 1996 AACCS, R 338.1610, Respondent has the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a Petition for Dissolution of Summary Suspension and shall be filed with the Department of Community Health, Bureau of Health Professions, P.O. Box 30670, Lansing, Michigan 48909, with a copy served upon the Department of Attorney General, Licensing & Regulation Division, 3030 West Grand Boulevard, Detroit, Michigan, 48202. Upon receipt of such a petition, an administrative hearing will immediately be scheduled before an administrative law judge, who shall dissolve the order of summary suspension unless sufficient evidence is produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the suspension order.

DEPARTMENT OF COMMUNITY HEALTH

By:   
Melanie Brim, Director  
Bureau of Health Professions

Dated: June 1, 2010

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

RUSSELL M. CRISPELL, D.O.  
License No. 51-01-006162

Complaint No. 51- 09- 111988

ADMINISTRATIVE COMPLAINT

Attorney General Michael A. Cox, through Assistant Attorney General Kelly K. Elizondo, on behalf of the Department of Community Health, Bureau of Health Professions (Complainant), files this complaint against Russell M. Crispell, D.O. (Respondent), alleging upon information and belief as follows:

1. The Board of Osteopathic Medicine and Surgery (Board) is an administrative agency established by the Public Health Code (Code), 1978 PA 368, as amended, MCL 333.1101 *et seq*, and is empowered to discipline licensees under the Code through its Disciplinary Subcommittee (DSC).

2. Respondent is licensed to practice osteopathic medicine and surgery in Michigan, and has a controlled substance license. At all times pertinent to this Administrative Complaint, he practiced general medicine at the World Healthcare facility in Redford, Michigan. Respondent had previously specialized in family practice for 15 years, and had retired from Detroit

Osteopathic Hospital in 1995 after specializing in anesthesiology. Respondent commenced employment at the World Healthcare facility in August 2008.

#### **ARTICLE 15: OCCUPATIONAL PROVISIONS**

3. Section 16221(a) of the Code authorizes the DSC to take disciplinary action against Respondent for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition that impairs, or may impair, Respondent's ability to safely and skillfully practice osteopathic medicine and surgery.

4. Section 16221(b)(i) of the Code authorizes the DSC to take disciplinary action against Respondent for incompetence, which is defined in section 16106(1) of the Code to mean "a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs."

5. Section 16221(b)(vi) of the Code authorizes the DSC to take disciplinary action against Respondent for a lack of good moral character. Good moral character is defined at section 1 of 1974 PA 381, as amended; MCL 338.41 *et seq*, as "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

6. Section 16221(c)(iv) of the Code authorizes the DSC to take disciplinary action against Respondent for "selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes."



7. Section 16226 of the Code authorizes the DSC to impose sanctions against persons licensed by the Board if, after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

8. Section 16233(5) of the Code provides in pertinent part: "After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws."

9. Section 7311(6) of the Code, provides that a controlled substance license is automatically void if a licensee's license to practice is suspended or revoked under Article 15 of the Code.

#### **ARTICLE 7: CONTROLLED SUBSTANCE PROVISIONS**

10. Section 7213 of the Code states that a substance is placed in schedule 2 if the substance has high potential for abuse, the substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions, and abuse of the substance may lead to severe psychic or physical dependence. According to drugs.com (which compiles information from the Physicians' Desk Reference, Cerner Multum, Microdex, and Wolters Kluwer Health):

Oxycodone HCl (OxyContin) is a schedule 2 controlled substance with an abuse liability similar to Morphine. OxyContin tablets are a controlled-release oral formulation

of oxycodone hydrochloride indicated for the management of moderate to severe pain when a continuous, around-the-clock analgesic is needed for an extended period of time. OxyContin tablets are not intended for use on an "as needed" for pain basis. The FDA has issued a black box warning for OxyContin. Warnings include that tablets are to be swallowed whole and are not to be broken, chewed, or crushed as *this can lead to rapid release and absorption of a potentially fatal dose of oxycodone* (Emphasis supplied). Further, OxyContin 60 mg, 80 mg, and 160 mg tablets or a single dose greater than 40 mg, are for use in opioid tolerant patients only. *A single dose greater than 40 mg, or total daily doses greater than 80 mg, may cause fatal respiratory depression when administered to patients who are not tolerant to the respiratory depressant effects of opioids* (Emphasis supplied). OxyContin has been reported as being abused by crushing, chewing, snorting, or injecting the dissolved product. These practices will result in the uncontrolled delivery of the opioid and pose a significant risk to the abuser that could result in overdose and death.

11. Section 7303a(2) of the Code provides that before prescribing or dispensing a controlled substance to a patient, a licensed prescriber shall ask the patient about other controlled substances the patient may be using. The prescriber shall record the patient's response in the patient's medical record or clinical record.

12. Section 7311(1)(e) provides a licensee is subject to discipline for failing to maintain effective controls against diversion of controlled substances to other than legitimate and professionally recognized therapeutic, scientific or industrial uses.

13. Section 7311(l)(f) of the Code authorizes the DSC to take disciplinary action against Respondent for failure to comply with applicable federal, state, and local laws.

14. Section 7401(1) of the Code provides in part as follows: "A practitioner licensed by

19. Respondent advised the Bureau's pharmacy inspector that he was the only licensed health professional employed at the World Healthcare facility in Redford, Michigan.

20. At the time of the interview, the Bureau's pharmacy inspector observed two packets of prescription blanks that had been pre-signed by the Respondent. The inspector counted 55 signed prescription blanks and noted the blanks did not contain information such as a patient's name, name of medication, directions for use or quantity. Respondent confirmed his signature on the prescription blanks.

21. At the time of the interview, the Bureau's inspector observed two patient charts (for T.H. and A.M.) on Respondent's desk with OxyContin 80 mg prescriptions attached to the outside of the charts. Respondent admitted writing refills for OxyContin without seeing or examining either patient.

22. Respondent further advised the Bureau's inspector that OxyContin 80 mg was his "drug of choice" for pain. Respondent acknowledged he was unfamiliar with the FDA's black box warning regarding the potential for respiratory depression and death associated with OxyContin. Respondent further advised the Bureau's inspector that essentially all patients received OxyContin 80 mg prescriptions on each visit and that he personally examined only new patients. Respondent also admitted the World Healthcare facility was not a pain clinic, that he had no formal training in pain management, and that patients paid \$500 for office visits whether they were seen by Dr. Crispell or one of the unlicensed employees.

23. During his interview Respondent was asked to provide medical records for patients whose names appeared on the above referenced MAPS reports. Respondent was unable to produce records for two patients – L.M. and M.W. Respondent produced records for R.A. T.B., J.B., T.C., T.O., A.M. and S.S.

24. A review of Respondent's records for these patients revealed that Respondent was not following the Michigan Guidelines for the Use of Controlled Substances for the Treatment of Pain as Respondent was not:

- a. Performing an adequate initial history and physical examination of patients.
- b. Adequately evaluating patients for correctible causes of secondary pain.
- c. Obtaining past medical records or releases from patients or records of patients' previous healthcare providers.
- d. Prescribing appropriate medication or evaluating for additional non-narcotic approaches to control chronic pain, including non-pharmacologic treatments.
- e. Performing ongoing evaluation of patients' pain control or functional status.
- f. Intermittently evaluating patients for a substance abuse disorder by utilizing drug screens.
- g. Adequately responding to collateral information.
- h. Referring patients for diagnostic testing, chronic pain evaluation and treatment, or substance abuse evaluation and treatment.
- i. Inquiring of patients whether they were using any other controlled substances and recording the patients' answers in the chart before prescribing same.

25. Respondent admitted to the Bureau's pharmacy inspector that he was not familiar with the Michigan Guidelines for the Use of Controlled Substances for the Treatment of Pain.

26. A review of the above patient records revealed that Respondent was practicing below the applicable standard of practice for the induction of long- acting opioid medications such as OxyContin. The standard of practice requires that a new patient be started on a low dose of

OxyContin, such as 10-20 mg twice a day, and be re-checked in 3-5 days. At the follow up appointment, the physician checks the patient's progress and adjusts the dosage accordingly.

COUNT I

Respondent's conduct as described above constitutes negligence, in violation of section 16221(a) of the Code.

COUNT II

Respondent's conduct as described above constitutes incompetence, in violation of section 16221(b)(i) of the Code.

COUNT III

Respondent's conduct as set forth above constitutes a lack of good moral character, in violation of section 16221(b)(vi) of the Code.

COUNT IV

Respondent's conduct as described above constitutes selling, prescribing, or giving away or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of section 16221(c)(iv) of the Code.

COUNT V

Respondent's conduct as described above constitutes prescribing of controlled substances without an inquiry regarding other controlled substances a patient may be using, in violation of section 7303a(2) of the Code.

COUNT VI

Respondent's conduct as set forth above constitutes failing to maintain effective controls against diversion of controlled substances in violation of section 7311(1)(e) of the Code.

COUNT VII

Respondent's conduct as set forth above constitutes a violation of section 7311(1)(f) of the Code.

COUNT VIII

Respondent's conduct as set forth above constitutes prescribing controlled substances for other than a professionally recognized therapeutic or scientific purpose in violation of section 7401(1) of the Code.

COUNT IX

Respondent's conduct as set forth above constitutes a violation of 1996 AACCS, R 338.3163.

THEREFORE, Complainant requests that this Administrative Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of his osteopathic medicine and surgical license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

FURTHER, pending a hearing and final determination of the within cause, and pursuant to section 16233(5) of the Public Health Code, Complainant states that the public health, safety, and welfare requires emergency action and Respondent's license to practice osteopathic medicine and surgery in the state of Michigan shall be accordingly summarily suspended.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, Respondent has 30 days from receipt of this Administrative Complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, Michigan 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(8) of the Public Health Code, failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the Administrative Complaint and shall result in transmittal of the Administrative Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

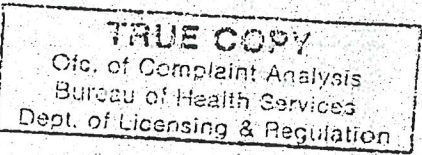
MICHAEL A. COX  
Attorney General

*Kelly K. Elizondo*

Kelly K. Elizondo (P45534)  
Assistant Attorney General  
Licensing & Regulation Division  
3030 W. Grand Blvd., 10<sup>th</sup> Floor  
Cadillac Place  
Detroit, MI 48202  
Telephone: (313) 456-0040  
Fax: (313) 456-0041

Dated: May 26, 2010





STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATION  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY

In the Matter of  
RUSSELL CRISPELL, D.O.

\_\_\_\_\_/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

WHEREAS, a complaint dated July 12, 1983 was filed by the Attorney General's Office with the Board of Osteopathic Medicine and Surgery charging Russell Crispell, D.O., hereafter Respondent, with violating section 16221(b)(v) of the Public Health Code, 1978 PA 368, as amended, and

WHEREAS, Respondent is fifty-seven(57) years of age; and

WHEREAS, Respondent has practiced osteopathic medicine for thirty (30) years; and

WHEREAS, the conviction upon which this licensing action is based was the Respondent's first and only incident during a thirty (30) year career; and

WHEREAS, Respondent cooperated fully and completely in the Pennsylvania criminal proceeding, thereby demonstrating considerable readiness for rehabilitation; and

WHEREAS, Respondent has been and will be incarcerated from the period of June 24, 1983 through December 24, 1983, and Respondent has not and will not practice osteopathic medicine during the time of his incarceration; and



WHEREAS, Respondent has made full restitution in the amount of \$25,000 to the Pennsylvania Blue Shield; and will perform three hundred (300) hours of community service following his release from incarceration; and

WHEREAS, Respondent paid the government a \$2,000 fine; and will serve a three year probationary period as part of his original sentence; and

WHEREAS, Respondent admits the allegations of fact and law contained in the complaint and stipulates that the Board of Osteopathic Medicine and Surgery, hereafter Board, may find said allegations of fact and law to be true without requiring presentation of evidence in support thereof; now, therefore,

THE BOARD DOES HEREBY FIND that the allegations of fact and law set forth in the complaint are true.

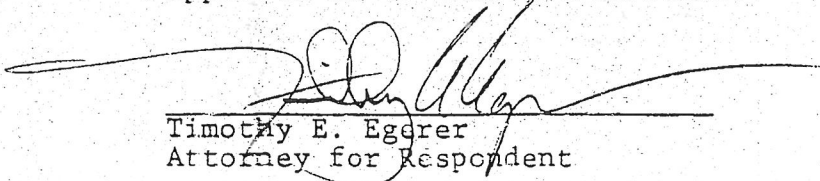
THE BOARD FURTHER FINDS that Respondent violated section 16221(b)(v) of the Public Health Code, supra, as alleged in the complaint.

Accordingly,

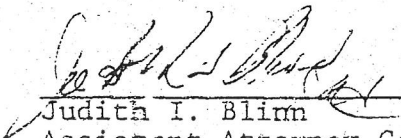
IT IS HEREBY ORDERED that Respondent shall be and hereby is reprimanded.

IT IS FURTHER ORDERED that Respondent shall be fined in the amount of \$10,000. payable as follows: \$2,500 shall be paid six (6) months after the effective date of this order; \$2,500 shall be paid one (1) year after the effective date of this order; \$2,500 shall be paid one and one-half (1½) years after the effective date of this order; and the remaining \$2,500 shall be paid two (2) years after the effective date of this order.

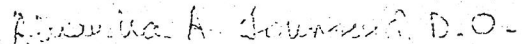
Approved as to Form and Substance:

  
Timothy E. Eggerer  
Attorney for Respondent

Approved as to Form and Substance:

  
Judith I. Blinn  
Assistant Attorney General  
Attorney for the People

I have read the foregoing Consent Order and Stipulation and recommend that the Board of Osteopathic Medicine and Surgery accept the Consent Order in resolution of the complaint dated July 12, 1983.

  
Alexandra A. Townsend, D.O., Member  
Board of Osteopathic Medicine  
and Surgery

DATED: October 6<sup>th</sup>, 1983

**TRUE COPY**  
Ofc. of Complaint Analysis  
Bureau of Health Services  
Dept. of Licensing & Regulation

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATION  
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY

In the Matter of  
RUSSELL CRISPSELL, D.O.  
\_\_\_\_\_ /

COMPLAINT

NOW COME the People of the State of Michigan, by Frank J. Selley, Attorney General, by Judith I. Blinn, Assistant Attorney General, and hereby file the within complaint against Russell Crispell, D.O., alleging upon information and belief as follows:

1. The Board of Osteopathic Medicine and Surgery, hereafter Board, is an administrative agency created by the Public Health Code, 1978 PA 368, as amended; MCLA 333.1101 et seq; MSA 14.15(1101) et seq.

2. Russell Crispell, D.O., hereafter Respondent, is licensed as an osteopathic physician by the Board. Respondent is also currently licensed as an osteopathic physician in the state of Pennsylvania.

3. On December 22, 1982 in the United States District Court, Eastern District of Pennsylvania, Respondent pled guilty to two (2) counts of a violation of 18 USC 1341.

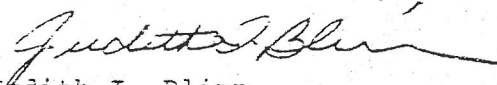
4. Based on paragraph 3 above, Respondent has violated section 16221(b)(v) of the Public Health Code, supra.

WHEREFORE, the People request that the within complaint be served upon Respondent and that he be offered an opportunity to show compliance with all lawful requirements for retention of his license.

FURTHER, the People request that if the Respondent fails to show compliance with all lawful requirements for retention of his license, a hearing be convened regarding the charges herein and, based upon the record therein created, the Board determine whether to impose sanctions in accordance with section 16226 of the Public Health Code, supra.

FURTHER, all proceedings in this matter shall be conducted pursuant to the Public Health Code, supra, the rules promulgated pursuant thereto, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCLA 24.201 et seq; MSA 3.560(101) et seq.

FRANK J. KELLEY  
Attorney General

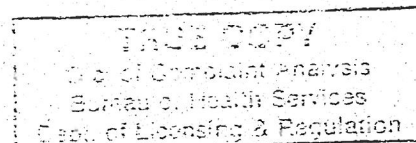
  
Judith I. Blinn  
Assistant Attorney General

Business Address:

620 Law Building  
525 West Ottawa Street  
Lansing, Michigan 48913

Telephone: (517) 373-1146

Dated: July 12, 1983



the administrator under this article shall not dispense, prescribe, or administer a controlled substance for other than *legitimate and professionally recognized therapeutic or scientific* purposes or outside the scope of practice of the practitioner, licensee or applicant."

15. 1996 AACCS, R 338.3163 provides in pertinent part that a prescription shall not be issued for a controlled substance nor shall a controlled substance be dispensed or administered to a drug dependent person for the purpose of continuing his or her drug dependency, except as follows: a prescriber, licensed in accordance with federal and state law to conduct the drug treatment of a drug dependent person in a program, may prescribe a controlled substance for the purpose of legitimate treatment of the drug dependent person.

#### **FACTUAL ALLEGATIONS**

16. According to records obtained from the Michigan Automated Prescription System (MAPS), Respondent wrote a total of **505 prescriptions (30,300 tablets) for OxyContin 80 mg** for the period of June 1, 2008 through November 30, 2008.

17. Subsequent records obtained from MAPS documented that Respondent wrote **147 prescriptions (8,800 tablets) for OxyContin 80 mg** for the period of May 29, 2009 through June 25, 2009.

18. Based on the extremely high number of OxyContin tablets prescribed, a pharmacy inspector from the Bureau of Health Professions interviewed Respondent on January 7, 2010.